

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED
U.S. DISTRICT COURT
2007 JUL 12 A 10:52
S.D. OF N.Y. W.P.

CARL GORDON and MONICA GORDON,

Plaintiff,

Civil No.:

against-

PERDUE TRANSPORTATION, INC.,

Defendants.

07 CIV. 6863
BRIANT

State Index No.: 4990/07

PERDUE TRANSPORTATION, INC., ("defendant"), by counsel, states the following:

1. Plaintiff commenced this action on or about June 7th, 2007, by filing a Summons and Verified Complaint in the New York State Supreme Court in Orange County under Index Number 4990/07 and captioned as above. Pursuant to 28 USC § 1446(a), an index of copies of all process, pleadings and orders served upon the defendant is attached hereto as "Exhibit A," and a copy of the plaintiff's Summons and Verified Complaint is attached hereto as "Exhibit B."
2. The defendant is alleged to have been served with this Summons and Verified Complaint by the plaintiff via the New York State Secretary of State on or about the 18th day of June 2007. A copy of the Affidavit of Service on the Secretary of State is attached hereto as "Exhibit C." This was the first notice defendant received in regards to this alleged incident.
3. This Notice of Removal is being filed within thirty (30) days after receipt of the Summons and Verified Complaint by the defendant, and as such is timely pursuant to 28 USC § 1446(b).

4. Plaintiff's Verified Complaint alleges that on or about December 26th, 2006, at approximately 4:00 pm plaintiff's vehicle was struck in the rear by a truck alleged to have been owned and operated by the defendant herein. Upon information and belief, the value of the injuries suffered by the plaintiff may exceed \$75,000.00. The basis for this belief is plaintiff's complaint, wherein plaintiff claims to have "sustained serious injury, to wit, permanent loss of the use of a body organ, member, function or system; permanent consequential limitation of the use of a body organ or member." The sufficiency of this claim is not admitted.

5. Defendant is a Maryland corporation having its principal place of business in the State of Maryland. The Plaintiff is a New York resident with a principal domicile in the City of New Hampton, County of Orange.

6. Pursuant to 28 USC § 1332(c)(1), full diversity exists among all parties.

7. Insofar as the amount in controversy as alleged may exceed \$75,000.00 and full diversity exists between the parties, removal is proper pursuant to 28 USC § 1332(a) and 28 USC § 1441(a).


8. Contemporaneously herewith, written notice is being given to all adverse parties and to the Clerk of the State of New York, Supreme Court, County of Orange, that this Notice of Removal is being filed with this Court.

WHEREFORE, defendant PERDUE TRANSPORTATION, INC. files this Notice of Removal so that the entire state court action under Index Number 04990/07 now pending in the State of New York, Supreme Court, County of Orange, be removed to this Court for all further proceedings.

Dated: July 11, 2007
White Plains, New York

Yours, etc.,

GOLDBERG SEGALLA, LLP

By: 
Michael D. Shalhoub, Esq. (MS 2879)
Frank J. Ciano, Esq. (FC 4981)
170 Hamilton Avenue, Suite 203
White Plains, New York 10601
(914) 798-5400
Attorneys for Defendant
PERDUE TRANSPORTATION, INC.

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